

## PATENT

In re Application of Bryant  
Serial No. 10/786,903  
Filed: February 25, 2004  
For: WRIST AND FOREARM SUPPORT FOR STEADYING AN AIM

**RESPONSE TO NON-FINAL OFFICE ACTION OF MAY 27, 2005****Page 4****REMARKS****Introduction**

Applicant's attorney appreciates the telephone interview of December 13, 2005. Although an agreement was not reached, the Examiner's comments were helpful. Applicant believes that these amendments distinguish over the applied document. Applicant respectfully requests that this Response be entered in this application.

**Double Patenting Rejection**

Since this is a provisional rejection, applicant will await making a response thereto.

**Rejection under 35 USC 102**

The Primary Examiner has rejected claims 8, 17 and 24 under 35 USC §102(b) as "being anticipated" by U.S. Patent No. 5,385,536 to Burkhead et al. Applicant respectfully submits that the claims are patentably distinct over the '536 Patent for the reasons set forth below.

The invention as claimed per this response essentially requires that the pad or brace be adapted to be moved into abutment with the user/hunter in such a fashion that when the pad is in abutment with the user, the support is movable relative to the torso of the user. This limitation is proper and is one that the Examiner must consider the patentability analysis.

In the past, claims have been allowed that recite the user in the body of the claim. For example, U.S. Patent No. 6,637,708 B1 to Peterson (Exhibit A) presents claim 1 wherein there is the recitation that, "... a shooter being thereby unencumbered by any portion os [sic: of] said apparatus while entering, exiting or positioning upon the shooting platform." While the above-quoted recitation and the recitations of the instant claims are

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different, the fact that the '708 Patent contains such a recitation is supportive of applicant's position that the recitation directed to the interaction between the pad/brace and the user/hunter must be considered in the patentability analysis.

Referring to the '536 Patent, the '536 Patent pertains to an orthopedic device that intended to maintain the arm and shoulder immobile. In this regard, the Examiner is referred to the description of the Field of the Invention found at Column 1, lines 6-9, which reads:

The invention is generally related to orthopedic devices for immobilizing and supporting limbs of patients who are undergoing surgical or other medical treatment of their limbs or who have suffered injury to their limbs.

The entire '536 Patent focuses on providing an orthopedic device that has a goal to immobilize the patient's arm and shoulder. This is especially clear from the drawings of FIGS. 1 and 2 that show that the upper arm and the forearm of the patient are secured to the orthopedic brace and the orthopedic brace is secured to the adjustable mounting assembly 34. When the arm support 14 and the positioning assembly 16 and the adjustable mounting assembly 34 are secured into their final positions, the arm and the shoulder are rendered immobile so that they cannot be moved relative to the trunk of the patient. Hence, the '536 Patent cannot address the present invention wherein the pad or brace is adapted to be moved into abutment with the user or hunter in such a fashion so that the support can be moved relative to the torso of the user or hunter.

Applicant respectfully submits that the claims are patentably distinct over the '536 Patent, and requests the removal of this rejection.

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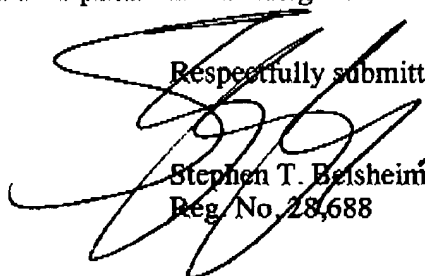
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**Conclusion**

Applicant submits that the claims are in form for allowance. If the Examiner has any questions, applicant urges that the Examiner telephone the undersigned attorney.

Respectfully submitted,

  
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